

ESTTA Tracking number: **ESTTA185162**

Filing date: **01/08/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Franciscan Vineyards		
Entity	Corporation	Citizenship	Delaware
Address	1178 Galleron Road St. Helena, CA 94574 UNITED STATES		

Attorney information	Stephen L. Baker Baker & Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com,K.Hnasko@br-tmlaw.com,n.friedman@br-tmlaw.com,l.kurth@br-tmlaw.com Phone:9087225640
----------------------	---

Applicant Information

Application No	77223446	Publication date	12/18/2007
Opposition Filing Date	01/08/2008	Opposition Period Ends	01/17/2008
Applicant	BeauxKat Enterprises LLC 4605 167th CT NE Redmond, WA 98052 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Beer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3336587	Application Date	10/24/2005
Registration Date	11/13/2007	Foreign Priority Date	NONE
Word Mark	RAGIN RAVEN		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 Wine		
----------------	---	--	--

U.S. Registration No.	3153731	Application Date	10/25/2005
Registration Date	10/10/2006	Foreign Priority Date	NONE
Word Mark	RAGIN' RAVEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2004/08/00 First Use In Commerce: 2004/08/00 Barbecue sauce; Picante sauce; Ready-made sauces; Sauces; Sauces for barbecued meat		

U.S. Registration No.	2888963	Application Date	03/14/2003
Registration Date	09/28/2004	Foreign Priority Date	NONE
Word Mark	RAVENS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1978/10/23 Wine		

U.S. Registration No.	3134833	Application Date	02/02/2003
Registration Date	08/29/2006	Foreign Priority Date	NONE
Word Mark	RAVENS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/12/31 First Use In Commerce: 1983/12/31 APRONS, SHIRTS, T-SHIRTS, CAPS, JACKETS Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1980/02/29 WINES		

U.S. Registration No.	2118152	Application Date	03/07/1997
Registration Date	12/02/1997	Foreign Priority Date	NONE
Word Mark	RAVENSWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1990/06/30 First Use In Commerce: 1990/06/30 clothing, namely, aprons, bandanas, caps, gym shorts, hats, jeans jackets, polo shirts, tank tops, T-shirts, and sweatshirts		

U.S. Registration No.	2132719	Application Date	03/07/1997
Registration Date	01/27/1998	Foreign Priority Date	NONE
Word Mark	RAVENSWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1980/02/29 wine		

U.S. Application No.	77356861	Application Date	12/20/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAVENS WOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2004/08/00 First Use In Commerce: 2004/08/00 Barbeque sauce; Picante sauce; Ready-made sauces; Sauces; Sauces for barbecued meat		

U.S. Registration No.	2130653	Application Date	03/07/1997
Registration Date	01/20/1998	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1980/02/29 wine		

Attachments	78739361#TMSN.jpeg (1 page)(bytes) 78739702#TMSN.jpeg (1 page)(bytes) 77356861#TMSN.jpeg (1 page)(bytes) 75253593#TMSN.gif (1 page)(bytes) NoticeofOpposition.pdf (4 pages)(94420 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stephen L. Baker/
Name	Stephen L. Baker

Date	01/08/2008
------	------------

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
Franciscan Vineyards

Mark: BLACK RAVEN BREWING
COMPANY

Opposer
v.

Serial No.: 77223446

BeauxKat Enterprises LLC

Filed: July 6, 2007

Applicant
-----X


NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. SECTION 1063

In the matter of trademark application Serial No. 77223446 filed by Applicant, BeauxKat Enterprises LLC. ("Applicant"), for BLACK RAVEN BREWING COMPANY as a trademark for Beer ("Applicant's Goods"), published for opposition in the Official Gazette of December 18, 2007, Opposer, Franciscan Vineyards, Inc. ("Opposer") a corporation organized and existing under the laws of the Delaware and located and doing business at 1178 Galleron Road, St. Helena, California 94574, believes that it will be damaged by the registration of the alleged mark shown in Application Serial No. 77223446 and opposes the registration under the provisions of 15 U.S.C. §1063 (Trademark Act of 1946, Section 13).

As grounds of opposition, it is alleged that:

1. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes that contain the word RAVEN and variations thereof ("Opposer's Marks") as trademarks, trade names, and as service marks. Examples of Opposer's Marks are as follows:

Trademark	Serial No.	Application Date	Registration No.	Registration Date	Class	Trademark
RAGIN' RAVEN	78739361	10/24/05	3336587	11/13/ 07	33	Registered

RAGIN' RAVEN	78739702	10/25/05	3153731	10/10/06	30	Registered
RAVENS	78225748	3/14/03	2888963	9/28/04	33	Registered
RAVENS	78209897	2/2/03	3134833	8/29/06	25,33	Registered
RAVENSWOOD	75253704	3/7/97	2118152	12/2/97	25	Registered
RAVENSWOOD	75253709	3/7/97	2132719	1/27/98	33	Registered
RAVENS WOOD	77356861	12/20/07			30	Pending
Mark Consists of the design of 3 Black Ravens In a Circle 	75253593	3/7/97	2130653	1/20/98	33	Registered

2. Opposer is now and for many years has been trading as and known by the Opposer's Marks, identifying Opposer as the source of a wide variety of goods, including wine, the same being generally related to Applicant's Goods intended to be offered under its alleged mark BLACK RAVEN BREWING COMPANY.

3. The relationship of Applicant's goods to those of Opposer is enhanced because Applicant's mark is BLACK RAVEN BREWING COMPANY for beer and "BLACK RAVEN" as applied to beer enhances the confusion where Opposer uses the design mark of Three Black Ravens and word marks RAVENS and RAGIN RAVENS for wine in class 33.

4. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Mark for wine.

5. The use by Opposer of the Opposer's Mark for the Opposer's goods alleged herein is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

6. Upon information and belief, Applicant intends to distribute and sell its goods through the same channels of trade as Opposer, and direct its respective goods to the same ultimate consumer as Opposer.

7. The Opposer's Marks and Applicant's BLACK RAVEN BREWING COMPANY mark are confusingly similar when applied to the goods of the parties.

8. The goods of Applicant and Opposer are both alcoholic beverages, and Applicant's intended use of BLACK RAVEN BREWING COMPANY in connection with its goods is without the consent or permission of Opposer.

9. Since Opposer owns the Opposer's Mark by virtue of prior use, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

10. The registration of the mark BLACK RAVEN BREWING COMPANY to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, all to Opposer's irreparable damage.

11. Opposer believes that it is and will be damaged by registration of the mark applied by Applicant.

WHEREFORE, Opposer prays that the application for registration of RAVEN'S GLENN WINERY Serial No.: 77223446, filed on July 6, 2007 be denied and that this Opposition be sustained.

Respectfully submitted for Opposer
Franciscan Vineyards, Inc.

By: /Stephen L. Baker/
Stephen L. Baker
BAKER & RANNELLS
575 Route 28
Suite 102
Raritan, NJ 08869
(908) 722-5640

Dated: January 8, 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Notice of Opposition, in re Franciscan Vineyards, Inc. v. BeauxKat Enterprises LLC was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 8th day of January, 2008 to the Applicant at the following address:

BEAUXKAT ENTERPRISES LLC
4605 167th CT NE
Redmond, WAS 98052-5401

/Linda Kurth/
Linda Kurth